

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
COLUMBIA DIVISION

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U. S. DISTRICT COURT  
MID. DIST. TENN.

ROBERT ZENAS WHIPPLE, III

Plaintiff,

v.

DERRICK SCHOFIELD, et al.

Defendants.

CASE NO. 1:13-cv-00109

CHIEF JUDGE HAYNES

JURY DEMAND

*Exhibit*  
*This motion is DENIED for a lack of prejudice*  
SCANNED  
*[Signature]*  
4-21-14

PLAINTIFF'S MOTION TO COMPEL DISCOVERY  
DUE TO WAIVER OF OBJECTIONS

The plaintiff moves pursuant to Rule 34(b) and 37(a), *Federal Rules of Civil Procedure*, for an order compelling Defendants Otis Campbell, Kevin Rea, and Tim Hansche ("these defendants") to produce for inspection and copying the documents requested on November 23, 2013 (Docket Entry No. 109-1, *PLAINTIFF'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS*). As grounds for this motion, Plaintiff states that these defendants have waived their objections by their failure to respond timely to the request and due to lack of specificity in the objections themselves. A declaration and memorandum of law in support are also being filed concurrent with this motion (Exhibits A and B). Plaintiff's previous motion (Docket Entry No. 109) regarding this discovery request relied upon different grounds than the present motion.

The discovery request was served November 23, 2013 and due on January 22, 2014 pursuant to an extension of time sought by the defense and granted by this Court (*see Exhibit A, ¶¶ 2-4*). These defendants served their response nineteen (19) days late and only after a reminder letter and motion to compel by the plaintiff (*Id. ¶¶ 5-9*). These defendants objected to nearly every production request and failed to produce a single document (*Id. ¶ 9*). These defendants' counsel did not reply to the plaintiff's efforts to resolve this dispute (*Id. ¶¶ 7 and 10*).

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